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Attorneys for Plaintiffs
AVID AMIRI, Individually and as
Trustee of the DEUTSCHE
INTERNATIONAL TRUST II

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

AVID AMIRI, Individually and as) Case No. 19-cv-373 JAO-RT
Trustee of the DEUTSCHE)
INTERNATIONAL TRUST II,) PLAINTIFF'S FINAL
Plaintiffs,) COMPREHENSIVE WITNESS
vs.) LIST; CERTIFICATE OF SERVICE
COUNTY OF MAUI; DOE)
DEFENDANTS 1-100,) PRETRIAL CONFERENCE:
Defendants.) Date: 10/26/2021
) Judge: Hon. Rom Trader
) Time: 8:45 a.m.
)
) TRIAL:
) Date: December 6, 2021
) Judge: Hon. Jill A. Otake

PLAINTIFF'S FINAL COMPREHENSIVE WITNESS LIST

Plaintiff AVID AMIRI, Individually and as Trustee of the Deutsche International Trust II (“Amiri”), by and through his attorney, and pursuant to the Amended Rule 16 Scheduling Order, submits this Final Comprehensive Witness List.

- (1) Avid Amiri
c/o Gregory A. Ferren
92-1063 Koio Drive, Suite C
Kapolei, Hawaii 96707

Mr. Amiri is the Plaintiff and will testify as to various topics including the washout of the culvert, the extended lack of access to the property, his damages (including, but not necessarily limited to, lost rents, loss of value to the property, damage caused to the property as a result of the lack of access, theft of personal items from the property as a result of publicity that the property was vacant, damages to Plaintiff’s credit score, and lost business opportunities), and his attempts to mitigate his damages.

The direct testimony of Mr. Amiri is expected to take 3 to 4 hours.

- (2) Ray Helmer
c/o Gregory A. Ferren
92-1063 Koio Drive, Suite C
Kapolei, Hawaii 96707

Mr. Helmer is Plaintiff’s engineering expert. He will provide testimony regarding Defendant’s negligence in connection with the failure of the culvert, including, but not necessarily limited to, the inadequacy of the original culvert, and the failure of Defendant to properly maintain, inspect, and repair the aging culvert.

The direct testimony of Mr. Helmer is expected to take 3 to 4 hours.

- (3) Tom Taylor
675 E 2100 S, Suite F
Salt Lake City, Utah 84106

Tom Taylor had entered into a lease with Mr. Amiri that was to commence just after the incident at issue. Thus, his testimony will relate to Mr. Amiri's claim for lost rent.

The direct testimony of Mr. Taylor is expected to take 1 to 2 hours.

- (4) Aaron Wills
2909 Waialae Avenue #MB27
Honolulu, HI 96826

Mr. Wills is an attorney who represented Mr. Amiri during negotiations that occurred shortly after the incident and related to restoring access to the property. He will provide testimony regarding these negotiations.

The direct testimony of Mr. Wills is expected to take 1 to 2 hours.

- (5) Michael D. Thomke
Appraisal Reports and Services, LLC
39 Kaalea Way Apt. 9C
Wailuku, Hawaii 96793

Mr. Thomke is an appraiser who did two separate appraisals of the property. The first was prior to the incident, and the second occurred afterwards in connection with an attempt by Mr. Amiri to refinance his loan. He will testify as to the content and basis of his appraisals.

The direct testimony of Mr. Thomke is expected to take 1 to 2 hours.

- (6) Mark Guagliardo
Hawaii Real Estate Team
1043 Makawao Ave #110
Makawao, HI 96768

Mr. Guagliardo was Plaintiff's realtor. He will testify as to the attempts by Mr. Amiri to sell the property and the issues encountered relating thereto as a result of culvert failure.

The direct testimony of Mr. Guagliardo is expected to take 1 to 2 hours.

(7) David Goode
73 Kaalele Place
Kula, Hawaii 96790

Mr. Goode was the Director of the Department of Public Works during the incident. His testimony will include topics such as the prior failure of another nearby culvert, the failure of the Puu Way culvert, his comments to the press, the Defendant's maintenance and inspections of the Puu Way culvert, the Defendant's practices and procedures regarding the maintenance of culverts, communications with the public, co-workers, and others, the replacement of the damaged culvert, and efforts to provide temporary access to Puu Way.

The direct testimony of Mr. Goode is expected to take 2 to 3 hours.

(8) Wendy Kobashigawa
c/o of Brian Bilberry
200 South High Street
Wailuku, Hawaii 96793

Ms. Kobashigawa worked for the Department of Public Works during the incident. Her testimony will include topics such as the prior failure of another nearby culvert, the failure of the Puu Way culvert, his comments to the press, the Defendant's maintenance and inspections of the Puu Way culvert, the Defendant's practices and procedures regarding the maintenance of culverts, communications with the public, co-workers, and others, the replacement of the damaged culvert, and efforts to provide temporary access to Puu Way.

The direct testimony of Ms. Kobashigawa is expected to take 2 to 3 hours.

(9) John Smith
c/o of Brian Bilberry
200 South High Street
Wailuku, Hawaii 96793

Mr. Smith worked for the Department of Public Works during the incident. his testimony will include topics such as the prior failure of another nearby culvert, the failure of the Puu Way culvert, his comments to the press, the Defendant's maintenance and inspections of the Puu Way culvert, the Defendant's practices and procedures regarding the maintenance of culverts, communications with the public,

co-workers, and others, the replacement of the damaged culvert, and efforts to provide temporary access to Puu Way.

The direct testimony of Mr. Smith is expected to take 2 to 3 hours.

(10) Arvind Ramani
372 Puu Way
Haiku, Hawaii 96708

Mr. Ramani purchased the Property from Plaintiff. He will testify as to negotiations, the price, and terms of the purchase.

The direct testimony of Mr. Ramani is expected to take 1 to 2 hours.

DATED: Honolulu, Hawaii, September 28, 2021.

/s/ Gregory A. Ferren
Gregory A. Ferren
Attorney for Plaintiff